

AN ORDINANCE

BY COUNCILMEMBER NATALYN ARCHIBONG

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AN ORDINANCE EXTENDING THE MORATORIUM ON THE ACCEPTANCE AND ISSUANCE OF TYPE III CERTIFICATES OF APPROPRIATENESS APPLICATIONS BY THE ATLANTA URBAN DESIGN COMMISSION FOR NEW CONSTRUCTION OF ANY TYPE ON VACANT LOTS; NEW CONSTRUCTION ON LOTS WHERE NO PRIMARY STRUCTURE ALREADY EXISTS; RECONSTRUCTION OF A DEMOLISHED PRIMARY STRUCTURE WHICH IS DEMOLISHED AFTER MAY 28, 2002; AND THE DEVELOPMENT OF OFF-SITE PARKING, IN ALL AREAS OF THE CABBAGETOWN LANDMARK DISTRICT FOR A PERIOD OF SIXTY DAYS; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance 02-O-1175 recognized that there are numerous parcels of undeveloped land within the Cabbagetown Landmark District which were being rapidly depleted by the increasing demand for new housing construction and development in the City of Atlanta; and

WHEREAS, Ordinance 02-O-1175 recognized that the 1989 Landmark District regulations that govern development in Cabbagetown and which were adopted to protect the character of the Cabbagetown neighborhood by preventing destruction of existing structures and the building of new structures and the introduction of uses which conflict with the character of the existing neighborhood have not been significantly reviewed or revised since their establishment; and

WHEREAS, Ordinance 02-O-1175 recognized that the Cabbagetown Neighborhood Improvement Association has engaged the heritage preservation program of Georgia State University to assist neighborhood residents to gather appropriate historical documentation and to develop consensus on historically appropriate regulations for future development in the neighborhood and recommend modifications to the regulations which govern development in the Cabbagetown Landmark District; and

WHEREAS, Ordinance 02-O-1175 imposed a moratorium of 180 days from the date of adoption on the acceptance and issuance of Type III Certificates of Appropriateness applications by the Atlanta Urban Design Commission for new construction of any type on vacant lots, new construction on lots where no primary structure already exists, reconstruction of a demolished primary structure which is

demolished after May 28, 2002, and the development of off site parking, in all areas of the Cabbagetown Landmark District and for other purposes; and

WHEREAS, the moratorium established by Ordinance 02-O-1175 will expire on November 25, 2002; and

WHEREAS, the ordinance setting out the new Cabbagetown Landmark District regulations are scheduled to be heard by the Zoning Review Board on November 12, 2002, sent to the Zoning Committee on November 13, 2002, and voted on by City Council on November 18, 2002; and

WHEREAS, there is no allowance for unforeseen circumstances in said legislative schedule; and

WHEREAS, it is in the public interest for the health, safety and welfare of its citizens that the City maintain the character of the Cabbagetown neighborhood by preventing destruction of existing primary structures, the reconstruction of a demolished primary structure or new construction on vacant parcels where no primary structure already exists and the introduction of uses which conflict with the character of the existing neighborhood, and to allow limited development to continue until the Cabbagetown Landmark District Regulations can be reviewed for possible amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That the moratorium authorized and imposed by Ordinance 02-O-1175 is hereby extended for an additional period of 60 days from the date this ordinance is signed by the Mayor or becomes effective by operation of Section 2-403 of the City Charter, or until Ordinance 02-O-1798 is passed by the City Council and signed by the Mayor or becomes effective by operation of Section 2-403 of the City Charter.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.